

## UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS					
LUTHER COMPTON & SONS, INC., a corporation  vs.  COMMUNITY NATIONAL LIFE INSURANCE COMPANY, a corporation  Joe B. Hunt, Receiver, Community National Life Ins. Co.		<b>For plaintiff:</b>  F. Paul Thieman, Jr. <del>707 Franklin Building</del> <del>Tulsa, Oklahoma 74103</del> 11-3 Southland Financial Center 4111 S. Darlington Tulsa, Oklahoma 74135					
		<b>For defendant:</b>  <del>H.G. Bill Diekey</del> <del>Community Natl Bldg.,</del> <del>3rd and Boulder</del> <del>Tulsa, Oklahoma</del>  Boone, Ellison and Smith 914 World Building Tulsa, Oklahoma 74103					
STATISTICAL RECORD	COSTS			DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed <del>2-1-68</del> 6-1-68	Clerk			1-12-68	Thieman	15 00	
				1-18-68	CD 31		15 00
J.S. 6 mailed <del>4-1-68</del> 1-1-70	Marshal						
Basis of Action: Suit on Judgment	Docket fee						
	Witness fees						
Action arose at: Tulsa	Depositions						

DATE	PROCEEDINGS	Date Order or Judgment Noted
1-12-68	Complaint, filed. Summons issued. w	
1-29-68	Summons, returned and filed: served Community National Life Insurance Co. by serving H. G. "Bill" Dickey, registered agent, at Tulsa, Okla., on 1-26-1968. (USM \$3.00)g	
3-22-68	Application for judgment by default, filed. g	
3-22-68	Brief in support of application for judgment, filed. g	
3-25-68	Default judgment, filed and entered, that the plaintiff have judgment by default against the defendant for the sum of \$28,125.00 with interest at 6% on \$25,000.00 from 2-10-67 and interest at 6% per annum on \$3,125.00 from 8-23-67 until paid and costs. (Fred Daugherty - Judge)b	
	Copies of judgment mailed parties b	
3-29-68	Motion to vacate default judgment and/or motion for new trial filed.	
3-29-68	Brief in support of defendant's motion to vacate default judgment and /or motion for new trial filed. h	
4-1-68	Ordered by the Court that the plaintiff file a response to the defendant's motion to vacate default judgment and/or motion for new trial within 7 days and if opposed a supporting brief thereto. (Fred Daugherty - Judge)b	
4-5-68	Plaintiff's response to motion to vacate default judgment, filed. b	
4-5-68	Plaintiff's brief in support of response to motion to vacate default judgment, filed. b	
4-29-68	Order filed case set for evidentiary hearing on May 20th, 1968 at 9:00 A. M. (Fred Daugherty - Judge) Copies mailed to counsel. b	
5-21-68	Ordered by the Court that the defendant file an amended motion and brief instant and hearing passed to 12:00 o'clock noon, Wednesday, May 22, 1968. (Fred Daugherty - Judge) b	
5-22-68	Amendment to defendant's motion to vacate, filed in open Court. b	
5-22-68	Ordered by the Court that the defendant's motion to vacate default judgment is sustained; and the defendant is granted 10 days within which to answer. (Fred Daugherty - Judge) (LC-CSR) b	
5-29-68	Defendant's Answer filed. ds	
6-14-68	Motion for Summary Judgment, filed. With Brief of Plaintiff. js	
6-21-68	Ordered that the defendant file a response to plaintiff's motion for summary judgment, with a supporting brief, within 15 days. (FD-J)w	
7-8-68	Brief of defendant in opposition to motion for summary judgment, filed. g	
8-7-68	Ordered by the Court that the parties herein submit briefs on the two points outlined in Judge's letter, within 10 days from date. (Fred Daugherty - Judge) b	
8-19-68	Application For Extension of Time, filed & Order filed, is granted until the 23 day of August 1968. (MME-C- ) js	
8-20-68	Plaintiff's supplemental brief in support of motion for summary judgment, filed. <i>mailed 8-20</i>	
8-21-68	Supplemental Brief of Defendant In Opposition To Motion For Summary Judgment, filed. <i>js mailed - has file</i>	
9-30-68	Order denying plaintiff's motion for summary judgment and leaving issue at whether deft. was doing bus. in Virginia so as to authorize jurisdiction over it <u>ab initio</u> , filed. (FD-J)w <i>mailed comes</i>	
1-2-69	Case set for pre-trial hearing on Wed. 2-5-69 at 10:00 A M. (FD-J)	
1-14-69	Plaintiff's notice of depositions of R. L. Gurley, filed. b	
1-29-69	Deposition of Robert L. Gourley, taken by Irma B. Lykins, Bristol, Va. filed. ds	
2-5-69	Ordered by the Court that the pre-trial of this case is passed until Tuesday, February 11, 1969 at 9:00 A. M. (Fred Daugherty-Judge) b	

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DATE	PROCEEDINGS	Date Order or Judgment Noted
2-11-69	Pre-trial hearing held, parties to file briefs simultaneously within 20 days, case to be set on Non-Jury assignment and plaintiff to prepare pre-trial order. (Fred Daugherty - Judge) b	
2-27-69	Notice of Depositions, filed, for H. G. Bill Dickey, at 2:30 p.m. on 5th of March 1969, at Lebanon Gen. Hospital, Lebanon, Virginia. js	
3-7-69	Ordered that parties are granted an additional 7 days to file briefs. (FD-J)m	
3-10-69	Deposition of Dr. James W. Elliott, for the plaintiff, filed. ds Taken by Lillian Fields, N.P. Lebanon, Virginia.	
3-13-69	Ordered that parties are granted an additional 15 days to file briefs. (FD-J)m	
3-25-69	Stipulation of parties with exhibits, filed. b	
4-1-69	Pre-trial order of February 11, 1969, filed, contentions of the parties, a question of law as witnesses. (Fred Daugherty-Judge) b	
4-7-69	Trial Brief, of plaintiff, filed. js	
4-23-69	Ordered by the Court that this case is abated until the further order of this Court for the reason there is a pending receivership action against defendant Community National Life Insurance Company in the Tulsa County District Court. (Fred Daugherty - Judge) b	
7-24-69	Ordered by the Court that this case is set for disposition on Tuesday, August 5, 1969 at 9:30 A. M. (Fred Daugherty - Judge) b	
7-31-69	Ordered by the Court that this case is stricken from the disposition assignment of August 5, 1969. (Fred Daugherty - Judge) b	
8-1-69	Ordered by the Court that this case is set for disposition on Tuesday, August 5, 1969, at 9:30 a.m. (FD-J)m	
8-5-69	Ordered by the Court that the parties granted 30 days to complete discovery and case not to be set for non-jury trial before such time; H. G. Bill Dickey and Troy Kennon permitted to withdraw as counsel; and James O. Ellison and L. K. Smith enter their appearance for defendant. (Fred Daugherty - Judge) (LC-CSR) b	
8-8-69	Motion to make additional party defendant, filed. m	
8-8-69	Order that Joe B. Hunt, receiver for Comm. Natl. Life Ins. Co. is made an additional party deft. and that he is granted 30 days from date to plead, filed. (FD-J)m (copies mailed)	
9-4-69	Motion for abatement, with order abating all proceedings until 11-11-69 with exception of discovery procedure so that case will be ready for trial immediately after 11-11-69, filed. (FD-J)m (copies mailed)	
10-15-69	Case set for non-jury trial on Thursday 11-20-69 at 9:30 a.m. (FD-J)m	
11-17-69	Stipulation, filed, with interrogatories to be propounded on behalf of pltf. attached. m	
11-21-69	Answer to Interrogatory by Robert L. Gurley, filed. js	
11-20-69	Ordered by the Court that the trial of this case is passed to Friday, November 21, 1969 at 9:00 A. M. (Fred Daugherty-Judge) b	
11-21-69	Case tried to the Court, stipulation marked as plaintiff's exhibit 1, case taken under advisement, parties to file briefs simultaneously, within 10 days. (Fred Daugherty - Judge)(LC-CSR) b	
11-21-69	Trial exhibits, filed. b	
12-1-69	Parties granted an additional 5 days to file briefs. (Fred Daugherty-J)b	
12-5-69	Memorandum Brief filed by plaintiff. h	
12-11-69	Memorandum opinion, that is entitled to have judgment herein for relief requested in its complaint, counsel for plaintiff will prepare an appropriate judgment and present same to the Court, filed. (Fred Daugherty - Judge) copies mailed. b	

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